

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

KIMBERLY L. COX,

Plaintiff,

v.

MEGAN J. BRENNAN, Postmaster General  
of the United States, U.S. Postal Service,

Defendant.

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Case No. 2:14-cv-00810-JRG-RSP


**ORDER**

Before the Court are Defendant Megan J. Brennan's Objections to the Report and Recommendation of the United States Magistrate Judge (Dkt. No. 21, filed September 14, 2015.) The Magistrate Judge's Report recommended that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Subject Matter Jurisdiction Under Rule 12(b)(1) and for Failure to State a Claim Under Rule 12(b)(6) be denied. (Dkt. No. 18, filed August 28, 2015.)

After reviewing the objected to portions of the Report and Recommendation *de novo*, the Court finds that the Report and Recommendation should be **ADOPTED**. Accordingly, Defendant's Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Subject Matter Jurisdiction Under Rule 12(b)(1) and for Failure to State a Claim Under Rule 12(b)(6) (Dkt. No. 21) is hereby **DENIED**.

**So Ordered and Signed on this**

**Sep 23, 2015**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE